IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14733 of 2004

Between:

A.Ramdas, S/o.Venkatappaiah, aged 58 years,
Occu:Ex.Manager Grade I,R/o.4-2-137,
Srinagar Colony, Rotangnagar, Khammam.

..... PETITIONER

AND

A.P.State Ware Housing Corporation, Nampalli,
Hyderabad rep.by its Managing Director.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ (i) declare the action of the respondent corporation in not releasing the retiral benefits to the petitioner on retiring him from services of the corporation on 31-1-2004 consequent to attaining the age of superannuation as illegal and arbitrary and consequently direct the respondents to release the gratuity, provident fund, encashment of leaves, Group Insurance claims and other terminal benefits to which the petitioner is entitled to as on the date of his retirement i.e., 31-1-2004 together with interest at 18% per annum.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondent : MR.G.BHASKAR

The Court at the stage of admission made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.14733 OF 2004

ORDER:

The petitioner is a retired Manager of the respondent-A.P. State Ware Housing Corporation. He retired from service on 31.01.2004 on attaining the age of superannuation. The petitioner contends that before his retirement, he was not issued any communication regarding the recoveries, if any, due from him. But subsequent to the date of retirement, he was orally informed that there were certain storage losses of Food Corporation of India stocks and that the Corporation has been making the correspondence with the Food Corporation of India for regularisation of the storage losses and on the premise that the said storage losses have not been regularized by the Food Corporation of India, his terminal benefits have not been released. The petitioner further contends that the storage losses were due to abnormal storage of food grains beyond six months and due to fluctuations in the moisture contents and semi scientific nature of godowns in which the food grains were stored. But, on that ground, the Corporation cannot withhold the terminal benefits to which the petitioner is entitled. The petitioner further contends that he submitted his representations to the respondent-Corporation on 28.06.2004 and 08.07.2004 for writing of the storage losses pertaining to his tenure as Warehouse Manager and requested to release the terminal benefits. Since, there was no settlement and release of terminal benefits, the petitioner approached this Court through this writ petition to declare that the action of the respondent-Corporation in not releasing the retirement benefits of the petitioner as illegal and arbitrary and to direct the respondent to release the gratuity, provident fund, encashment of

leaves, Group Insurance claims etc.

2. The respondent-Corporation did not inform the petitioner as to what is the amount covered by the storage losses and they did not pass any orders regarding the release of the terminal benefits. If any amount is recoverable from the petitioner, the respondent-Corporation is expected to work out the same and after retaining such amount only on tentative basis, subject to finalisation of the ascertainment of losses, is expected to release the terminal benefits to the petitioner within a reasonable time.

3. In the light of the submission made by the petitioner, the respondent is directed to pass appropriate orders on the representations of the petitioner dated 28.06.2004 and 08.07.2004 according to the rules within three months from the date of receipt of copy of this Order and communicate the same to the petitioner.

4. The Writ Petition is accordingly disposed of. No order as to costs.

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DR.G.YETHIRAJULU,J

Date: 15th September, 2004.

CS/KM

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Managing Director, A.P. State Ware Housing Corporation,
Nampalli, Hyderabad.
2.Two C.D. copies.